

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BLUEFIELD DIVISION

**MARCUS BUGGS,**

**Petitioner,**

v.

**Case No. 1:18-cv-00588**

**R. STEPHENS CLEMONTS,  
Acting Warden, USP Coleman II,**

**Respondent.**

**MEMORANDUM OPINION AND ORDER**  
**SEALING MOTION AND EXHIBITS**

Pending before the Court is Respondent's Motion to Seal. (ECF No. 31). The Court notes that the attached exhibits contain confidential information. Due to the confidential nature of the information contained in the exhibits, and the requirement that such information not be published, this Court **ORDERS** the Clerk to seal the Motion to Seal and the exhibits attached to the Motion to Seal. (ECF Nos. 31, 31-1).

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the motion and attached exhibits shall be sealed and will be designated as sealed on the Court's docket. The Court deems

this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the motion and exhibits attached to Respondent's Motion to Seal does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the Petitioner and all counsel of record.

**ENTERED:** October 30, 2019

Cheryl A. Eifert  
United States Magistrate Judge